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2 **UNITED STATES DISTRICT COURT**
3 **NORTHERN DISTRICT OF CALIFORNIA**
4 **SAN FRANCISCO DIVISION**
5

6 **IN RE: UBER TECHNOLOGIES, INC.,**
7 **PASSENGER SEXUAL ASSAULT**
8 **LITIGATION**

9 This Document Relates to:

10 **ALL ACTIONS**

11 Case No. 3:23-md-03084-CRB

12 **DECLARATION OF WILLIAM A.**
13 **LEVIN IN SUPPORT OF PLAINTIFF'S**
14 **OPPOSITION TO DEFENDANTS'**
15 **MOTION REGARDING UBER'S TERMS**
16 **OF USE BAR ON PARTICIPATION IN**
17 **COORDINATED OR CONSOLIDATED**
18 **PROCEEDINGS**

19 Judge: Honorable Charles R. Breyer

20 Date: TBD

21 Time: TBD

22 Courtroom: 6-17th Floor

23 I, William A. Levin, declare as follows:

24 1. I am an attorney duly licensed to practice law before all courts of the State of
25 California. I am a Founding Partner at the law firm Levin Simes LLP, and counsel of record
26 for all Jane Doe LSA and Jane Doe LS Plaintiffs in 90 actions tagged into the MDL, including 23
27 of the cases (the "LS Plaintiffs") that are subject to Defendants' Motion Regarding Uber's Terms
28 of Use Bar On Participation In Coordinated Or Consolidated Proceedings

1 2. I make this declaration of my personal knowledge. If called as a witness, I could and
2 would competently testify to the matters set forth herein.

3 3. Prior to issuance of the Terms of Use captured in Exhibit D to the Sauerwein Declaration,
4 all of the LS Plaintiffs had already been sexually assaulted by their Uber Driver. Many of these
5 clients had also sent Uber a preservation letter or filed suit against Uber.

1 4. Although not attached as an exhibit to Uber's motion, the January 18, 2021, TOU
2 represents the very first attempt by Uber to alter the Terms of Use in a manner which purport to
3 negate Uber's prior promise that the clients could sue in any court of competent jurisdiction.

4 5. Nineteen of the LS Plaintiffs were sexually assaulted prior to January 18, 2021.

5 6. A preservation letter was sent to Uber with respect to Levin Simes' representation of Jane
6 Doe LS 16 on December 16, 2020. (Jane Doe LS 16's federal complaint mistakenly says she was
7 assaulted on June 21, 2021. The correct date is July 21, 2019.)

8 7. A preservation letter was sent to Uber with respect to Levin Simes' representation of Jane
9 Doe LS 75 on April 8, 2020.

10 8. A preservation letter was sent to Uber with respect to Levin Simes' representation of Jane
11 Doe LS 90 on September 17, 2020.

12 9. A preservation letter was sent to Uber with respect to Levin Simes' representation of Jane
13 Doe LS 56 on June 25, 2020.

14 10. A preservation letter was sent to Uber with respect to Levin Simes' representation of Jane
15 Doe LS 237 on January 26, 2022.

16 11. A preservation letter was sent to Uber with respect to Levin Simes' representation of Jane
17 Doe LS 250 on February 11, 2021.

18 12. A preservation letter was sent to Uber with respect to Levin Simes' representation of Jane
19 Doe LS 91 on March 24, 2021.

20 13. A preservation letter was sent to Uber with respect to Levin Simes' representation of Jane
21 Doe LS 249 on January 26, 2021.

22 14. A preservation letter was sent to Uber with respect to Levin Simes' representation of Jane
23 Doe LS 164 on November 5, 2021.

24 15. A preservation letter was sent to Uber with respect to Levin Simes' representation of Jane
25 Doe LS 37 on March 5, 2021.

26 16. A preservation letter was sent to Uber with respect to Levin Simes' representation of Jane
27 Doe LS 74 on February 8, 2021.

1 17. A preservation letter was sent to Uber with respect to Levin Simes' representation of Jane
2 Doe LS 244 on March 12, 2021.

3 18. A preservation letter was sent to Uber with respect to Levin Simes' representation of Jane
4 Doe LS 265 on April 15, 2021.

5 19. A preservation letter was sent to Uber with respect to Levin Simes' representation of Jane
6 Doe LS 251 on May 4, 2021.

7 20. With the exception of three cases, all the dates Uber identifies in Exhibit C to the
8 Sauerwein Declaration occurred after the LS Plaintiffs had already filed suit or sent a preservation
9 letter to Uber.

10 I declare under penalty of perjury under the laws of the United States of America that the
11 foregoing is true and correct. Executed on March 12, 2024, in San Francisco, California.

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15 
16 William A. Levin
17 Attorney for the LS Plaintiffs